

Title 13 - DEPARTMENT OF SOCIAL SERVICES

Division 40 – Children's Division

Chapter 60 - Licensing of Foster Family Homes

**13 CSR 40-60.010 Family Homes Offering Foster Care**

**PURPOSE:** This rule addresses approval, denial, or revocation procedures. It reflects current licensure period as established in House Bills 1171, 1173, 1306 and 1643, enacted August 13, 1982. It substitutes the grievance procedure for the fair hearing method of resolving grievances.

Approval of License:

- a) As required in sections 210.481 - 210.536, RSMo, any individual(s) planning to offer twenty-four (24) hour care to one (1) or more foster children must submit signed application forms.
- b) Upon compliance with the licensing law and regulations, the director shall authorize issuance of a license for a term not to exceed two (2) years, subject to renewal on expiration.
- c) The license is not transferable and applies only to the individual(s) to whom it is issued.
- d) The license is the property of the Division and is subject to revocation upon failure of the individual(s) to comply with licensing requirements.
- e) The license shall be kept on the premises of the home.
- f) The number, sex, and age range of foster children the home is authorized to accept for care shall be specified on the license and shall not be exceeded.
- g) There shall be no fee for the license or investigations conducted by the personnel of the Division.
- h) An identification card shall be issued to each foster parent at the time of initial licensure or renewal, verifying current licensing status.

Denial or Revocation of License:

- a) Any person aggrieved by a final decision of the Division made with regard to license issuance, license revocation, or license denial shall be entitled to a hearing and review by the director or his/her designee.

- b) Written notice, specifying the reasons for denial or revocation, shall be provided ten (10) days prior to the effective date of the action. If a written request for a hearing is received within a ten (10) day period, a hearing will be provided.
- c) Any person wishing to appeal the administrative decision of the Division shall be entitled to judicial review thereof provided in Section 210.526.

#### Exemption

Any foster home that is exempt from licensing under sections 210.481 through 210.536, RSMo (Supp. 1982), but receives a payment from the Division under section 207.020.1(17) shall comply with these rules and regulations.

Auth: section 210.486, RSMo (Supp. 1982). Original rule filed May 10, 1978, effective Sept. 11, 1978. Amended: Filed June 28, 1983, effective Nov. 11, 1983. Amended: Filed July 6, 1988, effective Sept. 29, 1988.

### **13 CSR 40-60.020 Number of Children**

**PURPOSE:** This rule tells the ages and number of children to be kept in a foster home. It also lists exceptions.

The maximum number of children in a foster home shall not exceed six (6), including the foster parents' children, counting "child" as any individual under age eighteen (18), with the following exceptions:

- a) Foster children sibling groups; and
- b) Minor mother and child family groups.

Foster parent(s) shall not provide care for more than two (2) children under age two (2) and no more than four (4) pre-school age children unless necessary to accommodate a sibling group.

Any foster home exceeding the regulated total numbers at the time these regulations are adopted shall continue to qualify for license if all other requirements are met. Additional foster children shall not be placed in these homes until such time as they can comply with this rule.

Auth: section 210.486, RSMo (Supp. 1982). Original rule filed May 10, 1978, effective Sept. 11, 1978. Amended: Filed June 27, 1983, effective Nov. 11, 1983.

### **13 CSR 40-60.030 Minimum Qualifications of Foster Parent(s)**

**PURPOSE:** This rule explains who can qualify to be a foster parent. It gives the health and foster parent training requirements. It also reflects requirements of G.L., et al., v. Stangler, et al., in that parenting skills are specified.

**Age of Foster Parent(s).** Applicant(s) shall not receive a license when both are younger than twenty-one (21).

**Personal Qualifications Required of Foster Parent(s):** Foster parent(s) shall be responsible, mature individuals of reputable character, who exercise sound judgment, display the capacity to provide good care for children, and display the motivation to foster.

#### Health of Foster Family:

- a) At the time of application for an initial license, foster parents shall authorize their physician to submit a statement on a prescribed form, regarding his opinion of the mental health of each foster family member and certifying that a physical examination was completed within the past year and that the foster family members are free from communicable disease. A TB test and/or chest x-ray shall be completed, if recommended by the physician.
- b) Foster parents and all foster family members must be determined by a physician to be in good physical and mental health. The licensing agency shall review the examination reports.
- c) After initial licensure, if the licensing agency has reason to question the physical or mental health of any member of the foster family, the agency shall require a mental or physical examination.

#### Foster Parent Training

**Pre-Service Training:** Completion of at least twenty-seven (27) hours of STARS training is required of each adult individual prior to licensure.

#### Parenting skills information elicited in the home study:

- a) Foster Parent structures environment so that it is safe and healthy for child;
- b) Foster Parent expresses positive feelings toward child verbally and physically;
- c) Foster Parent recognizes and responds appropriately to child's verbal and physical expressions of needs and wants;

- d) Foster Parent consistently uses basic behavior management techniques in dealing with child;
- e) Foster Parent consistently uses appropriate techniques to discipline child and refrains from corporal punishment;
- f) Foster Parent guides child toward increasing independence; and
- g) Foster Parent behaves in a way that recognizes the immaturity of the child.

Auth: section 210.486, RSMo (Supp. 1982). Original rule filed May 10, 1978, effective Sept. 11, 1978. Amended: Filed Dec. 14, 1982, effective Mar. 11, 1983. Filed June 28, 1983, effective Nov. 11, 1983. Amended: Filed June 2, 1988, effective Aug. 25, 1988.

### **13 CSR 40-60.040 Physical Standards for Foster Homes**

**PURPOSE:** This rule explains what is required in a physical structure. It further describes sleeping arrangements, and fire and safety requirements.

#### General Requirements:

- a) The foster parent(s) shall be so located that they have access to schools, recreational, religious, or other community resources.
- b) The home shall be so constructed, arranged and maintained as to provide adequately for the health and safety of all occupants. It shall be of size and space, and shall have furnishings and equipment, to accommodate comfortably both the foster family and foster children in their care.
- c) The Division may require inspection of the home by fire, health, sanitation, or safety officials when in the agency's judgement, such expert opinion is needed to assist in making a decision about the safety of the home for the care of foster children.
- d) All flammable liquids, matches, cleaning supplies, poisonous materials, medicines, weapons or other hazardous items shall be stored so as to be inaccessible to the children.
- e) Private water supply shall be safe for human consumption and testing shall be required at time of licensing.
- f) The interior of the home shall be free from an accumulation of visible dirt and any evidence of vermin and rodent infestations.
- g) All rooms shall have proper lighting and ventilation. Windows and doors shall be screened as needed unless the area is air-conditioned.

- h) All interior doors shall be designed to permit the opening of a locked door from the outside in an emergency.
- i) The home shall have space for indoor play and access to outdoor play space. The outdoor play space shall be fenced when, in the judgment of the Division, nearby street traffic, railroad tracks, lake, river or other potential hazards suggest the necessity for such protections.
- j) Mobile homes - There shall be an exit(s) at each end(s) of the home. The mobile home shall be skirted with latticed or solid skirting, and securely anchored by cable to the ground.

Sleeping Arrangements:

- a) Foster children shall not be permitted to sleep in any building, apartment or other structure which is separate from the foster family home; nor shall any foster child be permitted to sleep in an unfinished attic, in an unfinished basement, or in a hall or any other room which is normally used for other than sleeping arrangements.
- b) Foster children under ten (10) years of age shall not be permitted to sleep in finished basement bedrooms or in bedrooms above the second floor of a single family dwelling unless suitable provision has been made for heating, ventilation and humidity control, and all exits from such bedrooms have been approved by the Division.
- c) At night a responsible adult shall sleep within call of the foster children.
- d) Foster children of the opposite sex, who are over six (6) years of age, shall not sleep in the same room.
- e) Foster children over two (2) years of age shall not sleep in the bedroom of the foster parent(s) except for special temporary care, such as during a child's illness.
- f) Each bed or crib shall be of such size as to insure comfort of the foster child, shall have suitable springs in good condition, clean and comfortable mattress, with waterproof covering, if needed, and suitable covers adequate to the season.
- g) Each foster child under age two (2) shall have a separate bed. Each foster child over age two (2) shall have bed space equivalent to one-half of a full-size bed.

- h) Separate and accessible drawer space for personal belongings and closet space for clothing shall be available for each foster child.

Fire and Safety Requirements:

- a) In all foster homes the telephone numbers of the fire department, police, doctor and ambulance shall be posted at all times. The house number shall be plainly visible from the street in case of emergency.
- b) The foster family shall have a plan for evacuation in case of fire. Foster children shall be instructed in the evacuation plan. The plan shall be posted. Fire drills shall be held.
- c) Every room used for sleeping, living or dining purposes shall have at least two means of exit, at least one of which shall be a door or stairway providing a means of unobstructed travel to the outside. An operable window will be considered as one means of exit.
- d) No room or space shall be occupied for living or sleeping purposes, which is accessible only by a ladder, folding stairs, or through a trap door.
- e) In apartment buildings, where the foster family residence is second floor or above, there shall be an exit stairway.
- f) A smoke detector shall be installed at a location where sleeping areas can be alerted.
- g) A portable ABC fire extinguisher of at least 2-1/2 pound capacity shall be located near the kitchen area.
- h) Heating appliances shall not be located in a place that blocks escape in case of malfunctioning which could result in a fire.
- i) Fireplaces, wood stoves, heaters, radiators, or floor furnaces shall be protected as required by the fire inspector.

Auth: section 210.486, RSMo (Supp.1982). Original rule filed May 10, 1978, effective Sept. 11, 1978. Amended: Filed June 28, 1983, effective Nov. 11, 1983.

**13 CSR 40-60.050 Care of Foster Children**

PURPOSE: This rule describes the quality of care to be provided by foster parent(s).

Foster parents shall cooperate in the Division's delivery of services to the foster child's natural parents.

Physical Care:

The foster parent(s) shall work with the agency to provide all necessary medical and dental care for each child.

- a) The foster parent(s) shall obtain a medical and dental examination for the child immediately following placement and at least annually thereafter unless provided by the agency.
- b) The foster parent(s) shall keep the agency informed of any health needs of the child.
- c) The foster parent(s) shall respond to emergency medical needs in accordance with agency policies and procedures and/or local legal requirements.
- d) The foster parent(s) shall not disclose confidential medical and social information.

The foster parent(s) shall provide a routine for foster children for the establishment of good personal hygiene.

The foster parent(s) shall provide food of quality and quantity sufficient to meet the nutritional requirements of the foster child according to his age and activities. All foods shall be prepared, served and stored under sanitary conditions.

The foster parent(s) shall provide clothing appropriate to the foster child's age and of quality and quantity similar to other children in the community. Where it is appropriate and possible, foster children should be allowed to participate in the selection of their own clothing.

Care of foster children shall not be combined with regular part-time or full-time care of other children, non-related aged individuals or with any other service or business conducted in the home without the written approval of the licensing agency.

Education and Training:

- a) The legal custodian (the individual or agency having responsibility for the care, custody and control of a child) or the representative of the licensed child placing agency shall have the authority to determine the educational and vocational plan for the foster child in cooperation with the birth parents, foster parents and child of appropriate age, twelve (12) and above.
- b) Foster parent(s) shall observe the legal requirements and the plan of school attendance developed by the legal custodian.

Moral and Religious Training:

- a) Foster parent(s) shall provide for the moral training of foster children in care and shall make opportunities available for religious education and attendance of services compatible with the child's religious heritage; provided that this training would not be injurious to the foster child's physical, mental, or emotional health.
- b) A foster child needs to retain his individuality in foster care.

Discipline:

- a) Discipline shall be used in a constructive, fair and consistent manner. Foster parents shall not use corporal punishment against foster children.
- b) No foster child shall be subjected to verbal abuse, derogatory remarks about himself or members of his family or to threats to expel him from the foster home.
- c) No foster child shall be subjected to abuse or neglect as defined in section 210.110 through 210.165, RSMo (Supp. 1975).
- d) One child shall not be permitted to discipline another child in a foster home.
- e) No foster child shall be deprived of mail, or family visits as a form of discipline.

Chores and Work:

- a) No foster child shall be used for soliciting funds or in any other manner exploited by the foster family.
- b) The foster parent(s) shall provide work and chore experience for foster children that are appropriate to the age, health and abilities of each individual child. Chores and work shall not interfere with the foster child's time for school, study periods, play, sleep, normal community contacts, or visits with his family.
- c) The foster parent(s) shall differentiate between chores which foster children are expected to perform as their share in family living and specific work assignments or opportunities as a means of earning money either in or outside the foster family.
- d) The foster parent(s) shall not require or permit work, which requires the foster child to operate dangerous or hazardous equipment or machinery unless adequate safety equipment and proper adult supervision are provided.



- e) Foster children shall not be required to perform chores or work which is different in amount and type from the community standard for birth children.

#### Recreation and Leisure:

The foster parent(s) shall provide opportunities for social and physical development through recreation and leisure time activities.

#### Earning and Spending Money:

- a) The foster parent(s) shall make every reasonable effort to provide opportunities for experience in earning, spending and saving money based on age and individual requirements of each foster child.
- b) The foster parent(s) shall provide allowances from the monthly foster care payments, when opportunities to earn money are not available.
- c) The foster parent(s) shall not require an employed foster child to pay room and board.
- d) Foster children shall not be permitted to drive any vehicle without insurance coverage and a proper operator's license.
- e) Foster children shall not be permitted to own or operate firearms or motor vehicles without written authorization from the legal custodian and proper training.

#### Supervision:

- a) The foster parent(s) shall provide supervision at all times appropriate to the foster child's age and individual needs.
- b) The foster parent(s) shall not release a foster child to anyone without prior approval from the legal custodian.

#### Transportation:

- a) The foster parent(s) shall provide proper insurance coverage if foster children are transported in a family car. Safety standards for the vehicle shall be within minimum requirements of the law.
- b) The foster parent(s) shall cooperate with the agency in providing transportation as indicated by the individual needs of each foster child, such as medical and dental appointments, educational or training programs, and counseling.

Responsibility of Foster Parent(s) to Child's Legal Custodian:

- a) The foster parent(s) shall keep the legal custodian informed of the foster child's progress while in their care. They shall consult with the legal custodian regarding care, training, and plans for the foster child whenever more than the day-to-day routine is involved.
- b) The foster parent(s) shall consult with the legal custodian before taking or allowing the foster child to go on vacation trips or visits to the foster child's kinships.
- c) The foster parent(s) shall secure the approval of the foster child's legal custodian before making plans for the care of the foster child by other persons for any period in excess of twenty-four (24) hours.
- d) The foster parent(s) shall notify the legal custodian as soon as possible of emergencies involving the foster child. This requirement in no way relieves the foster parent(s) from first taking action, such as obtaining emergency medical treatment for the child before notifying his legal custodian. This includes serious illness or injury requiring medical treatment, unauthorized absence from the home, or other situations in which sound judgment dictates that the legal custodian be notified.
- e) The foster parent(s) shall allow the legal custodian a reasonable period of time in which to make suitable plans for the foster child when the foster parents have requested the child's removal. The foster parent(s) shall give the legal custodian two (2) weeks advance written notice when requesting removal of a child unless there is an emergency. The advance written notice must include an explanation of the reason why the foster parent is requesting the child's removal.
- f) Foster children shall not be permitted to use or be known by the foster parent(s) surname, unless the child, child's parent(s) and legal guardian give their consent in writing.
- g) The foster parent(s) shall notify the legal custodian at least thirty (30) days prior to moving out-of-state.

Auth: section 210.486, RSMo (Supp. 1982). Original rule filed May 10, 1978, effective Sept. 11, 1978. Amended: Filed June 28, 1983, effective Nov. 11, 1983.

### **13 CSR 40-60.060 Records and Reports**

**PURPOSE:** This rule requires that foster parents keep records on children placed in their care. The Division assistance is required in this matter. The record's contents are listed in this rule.

#### General

A record shall be developed by the Division on each foster child and given to the foster parent(s) at the time of placement. This record shall be maintained by the foster parent(s) throughout the placement.

#### Contents:

- a) Foster child's name, birth date, date of placement, county of original jurisdiction, placement county, Children's Service Worker's name and telephone number.
- b) Full name and address of the natural parent(s) and other interested and responsible kinships where appropriate.
- c) All medical and dental information, including diseases, surgical history, allergies, and immunizations.
- d) Rate of pay including allowances for room/board, clothing, incidentals, medical and dental care.
- e) The foster child's school records, rewards, pictures, church records, or any special items that will help to document the child's background.

Auth: section 210.221 RSMo (1955). Original rule filed May 10, 1978, effective Sept. 11, 1978.

MEMORANDA HISTORY: